

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Offic**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/693,612 10/20/00 CHASE

S 9840-0053-99.

MM91/1015

EXAMINER	
----------	--

PENNIE & EDMONDS LLP
3300 HILLVIEW AVENUE
PALO ALTO CA 94304

SHAFFER, R

ART UNIT

PAPER NUMBER

2872

DATE MAILED:

10/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	09/693,612	Applicant(s)	CHASE ET AL
Examiner	R.D. SHAFER	Group Art Unit	2872

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 months MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Responsive to communication(s) filed on 10/20/00

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-24 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-24 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement

Application Papers

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on 10/20/00 is/are objected to by the Examiner

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All Some* None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. _____.

Copies of the certified copies of the priority documents have been received
in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ International Summary, PTO-413

Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

Art Unit: 2872

1. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 12, the use of the language "counter weight" is vague, indefinite and/or confusing. It is unclear to the examiner how applicant contends that element (36) serves as a counter weight. It would appear to the examiner that the so called counter weight of applicant's invention is a mere support and/or base structure and there is no weight being used as a counter balance. Thus, it is unclear to the examiner what are the metes and bounds of the claims.

Claims 7-11 are vague, indefinite and fail to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner how the device is configured as a laser, an optical detector, an optical filter, an optical amplifier and an optical attenuator. It would appear to the examiner that the above mentioned claims lack sufficient structure to be considered as a laser, an optical detector, filter, amplifier or attenuator.

Claims 13-19 are vague, and indefinite for the same reasons as stated above.

2. The drawings are objected to because ^{, shown in figures 1-3,} reference numeral (23) lacks a lead line referencing the structure which is being defined as the substrate.. Correction is required.

Serial Number: 09/693,612

Page 3

Art Unit: 2872

3. Any inquiry concerning this communication should be directed to R. D. Shafer at telephone number (703) 308-4813.

Shafer/ds

10/06/01

R. D. Shafer
RICKY D. SHAFER
PATENT EXAMINER
Art Unit 2872